

KERN COUNTY
WATER AGENCY

Directors

Fred L. Starrh
Division 1

Terry Rogers
Division 2

Peter Frick
Vice President
Division 3

Michael Radon
Division 4

Adrienne J. Mathews
President
Division 5

Lawrence P. Gallagher
Division 6

Gene A. Lundquist
Division 7

Thomas N. Clark
General Manager

John F. Stovall
General Counsel

February 13, 2003

Earl Nelson, Program Manager
Flood Protection Corridor Program
California Department of Water Resources
Division of Flood Management
1416 9th Street, Room 1641
Sacramento, CA 95814

Re: Agency Flood Control Powers and
Authority to Enter Contract with State for Grant

Dear Mr. Nelson:

As Agency General Counsel, I have been asked by Mr. Rick Iger of our staff to provide you with a letter concerning the flood control powers of the Kern County Water Agency ("Agency") and the authority of the Agency to enter into a contract with the State of California regarding the requested grant.

The Kern County Water Agency was created and empowered by act of the legislature in Statutes 1961, Chapter 10003, p. 2652 et seq., as amended from time to time (also recorded at West's Uncodified Acts, Act 99.) All further references herein are to that Act. Section 4.1 of the Act provides the Agency with its general flood control powers (which are co-extensive with the political boundaries of the Agency, ie. all territory within the County of Kern.) Specifically, therein the Agency is empowered therein for activities to "protect from damage from such flood or storm waters the watercourses, watershed, public highways, life and property in said Agency, and the watercourses outside of the Agency of streams flowing into the Agency." Here the stream originates within, flows in, and terminates all within the boundaries of the Agency. The project applied for is for the primary purpose of protecting the residents and property from flood flows and within the power of the Agency.

Mailing Address:
P.O. Box 58
Bakersfield, CA 93302-0058
Phone: (661) 634-1400
Fax: (661) 634-1428

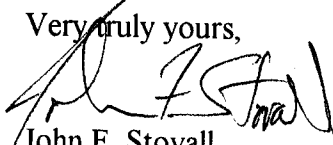
KERN COUNTY WATER AGENCY

Mr. Earl Nelson
DWR Division of Flood Management
February 13, 2003
Page Two

Additionally, the Agency is empowered by Section 6.1 of the Act to enter into contracts with the State of California for the protection of property, watersheds, watercourses, highways and life. Additionally, the Agency is authorized to simply enter into contracts with the State of California "for the joint acquisition, disposition, operation or management of any property, works ... of a kind which might be acquired, disposed of, or operated by the Agency."

Entry into a grant contract as proposed is therefore within the power of the Agency. If you have any questions or comments regarding the foregoing, please do not hesitate to call.

Very truly yours,



John F. Stovall
General Counsel

cc: Mr. Rick Iger, Engineering and Operations Manager